

COMMISSION REGULATION (EC) No 2497/2001

of 19 December 2001

opening and providing for the administration of Community tariff quotas for certain fish and fishery products originating in the Republic of Croatia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Croatia ⁽¹⁾, and in particular Articles 4 and 5 thereof,

Whereas:

- (1) The Council is in the process of concluding a Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, hereinafter referred to as 'the Stabilisation and Association Agreement'.
- (2) Pending the completion of the procedure necessary for the ratification and entry into force of the Stabilisation and Association Agreement, the Council is also in the process of concluding an Interim Agreement between the European Community, of the one part, and the Republic of Croatia, of the other part, covering trade and trade-related matters, hereinafter referred to as 'the Interim Agreement', which will be applied as of 1 January 2002.
- (3) The Interim Agreement and the Stabilisation and Association Agreement stipulate that certain fish and fishery products originating in Croatia may be imported into the Community, within the limits of Community tariff quotas, at a reduced or a zero-rate of customs duty.
- (4) The tariff quotas provided for in the Interim Agreement and in the Stabilisation and Association Agreement are annual and are repeated for an indeterminate period. The Commission should adopt the implementing measures for the opening and the administration of the Community tariff quotas.
- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 993/2001 ⁽³⁾, has codified the manage-

ment rules for tariff quotas designed to be used following the chronological order of dates of customs declarations.

- (6) Particular care should be taken to ensure that all Community importers have equal and continuous access to the tariff quotas and that the rates laid down for the quotas are applied uninterruptedly to all imports of the products in question into all Member States until the quotas are exhausted. In order to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorising the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports. However, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly. For reasons of speed and efficiency, communication between the Member States and the Commission should, as far as possible, take place by telematic link.
- (7) This Regulation should be applied upon the entry into force or the date of provisional application of the Interim Agreement and should remain in application upon the entry into force of the Stabilisation and Association Agreement.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. When products originating in Croatia and listed in the Annex are put into free circulation in the Community, accompanied by a proof of origin as provided for in the Origin Protocol to the Interim Agreement and to the Stabilisation and Association Agreement, they shall benefit from a reduced or a zero-rate of customs duty, at the levels and within the limits of the annual Community tariff quotas specified in that Annex.

2. The tariff quotas referred to in this Article shall be administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

⁽¹⁾ OJ L 304, 21.11.2001, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

⁽³⁾ OJ L 141, 28.5.2001, p. 1.

3. Each Member State shall ensure that importers of the products in question have equal and uninterrupted access to the tariff quotas for as long as the balance of the relevant quota volume so permits.
4. Communications referring to the management of tariff quotas between the Member States and the Commission shall be effected, as far as possible, by telematic link.

Article 2

The Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 3

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 2002, and it shall remain in application upon the entry into force of the Stabilisation and Association Agreement.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 December 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

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ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken

Order No	CN code	TARIC subdivision	Description	Quota volume per year	Rate of duty
09.1581	0301 91 10		Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	30 tonnes	Free
	0301 91 90				
	0302 11 10				
	0302 11 90				
	0303 21 10				
	0303 21 90				
	0304 10 11				
	ex 0304 10 19	40			
	ex 0304 10 91	10			
	0304 20 11				
	ex 0304 20 19	50			
	ex 0304 90 10	11, 17, 40			
	ex 0305 10 00	10			
	ex 0305 30 90	50			
	0305 49 45				
ex 0305 59 90	61				
ex 0305 69 90	61				
09.1582	0301 93 00		Carp: live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	210 tonnes	Free
	0302 69 11				
	0303 79 11				
	ex 0304 10 19	30			
	ex 0304 10 91	20			
	ex 0304 20 19	40			
	ex 0304 90 10	16			
	ex 0305 10 00	20			
	ex 0305 30 90	60			
	ex 0305 49 80	30			
	ex 0305 59 90	63			
	ex 0305 69 90	63			
	09.1583	ex 0301 99 90			
0302 69 61					
0303 79 71					
ex 0304 10 38		80			
ex 0304 10 98		77			
ex 0304 20 95		50			
ex 0304 90 97		82			
ex 0305 10 00		30			
ex 0305 30 90		70			
ex 0305 49 80		40			
ex 0305 59 90		65			
ex 0305 69 90		65			

Order No	CN code	TARIC subdivision	Description	Quota volume per year	Rate of duty
09.1584	ex 0301 99 90 0302 69 94 ex 0303 77 00 ex 0304 10 38 ex 0304 10 98 ex 0304 20 95 ex 0304 90 97 ex 0305 10 00 ex 0305 30 90 ex 0305 49 80 ex 0305 59 90 ex 0305 69 90	23, 28 10 85 79 60 84 40 80 50 67 67	Sea bass (<i>Dicentrarchus labrax</i>): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	550 tonnes	Free
09.1585	1604 13 11 1604 13 19 ex 1604 20 50	10, 19	Prepared or preserved sardines	180 tonnes	6 %
09.1586	1604 16 00 1604 20 40		Prepared or preserved anchovies	40 tonnes	12,5 %